

AMENDED IN ASSEMBLY MAY 25, 2004

AMENDED IN SENATE APRIL 22, 2003

AMENDED IN SENATE MARCH 28, 2003

SENATE BILL

No. 339

Introduced by Senator Alpert

(Principal coauthor: Assembly Member Corbett)

(Coauthor: Senator Kuehl)

February 19, 2003

An act to amend Section 695.221 of the Code of Civil Procedure, and to add Chapter 9 (commencing with Section 5610) to Part 5 of Division 9 of the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 339, as amended, Alpert. Private child support collectors.

Existing law governs the collection of child support by local child support agencies.

This bill would enact the Private Child Support Collection Act. These provisions would regulate the activities of private child support collectors, as defined. Among other things, the bill would limit the *child support that may be collected and the fees that may be charged by a private child support collector, require that entity to make provide specified notices and disclosures to the child support obligee in a written contract and during the term of the contract, authorize the obligee to cancel any contract entered into with that entity in certain circumstances, specify the terms of any payment agreement reached with the obligor, and prescribe the rights of the parties with respect to local child support agencies and other governmental entities, regulate advertising by the private child support collector, and prescribe*

procedures and remedies for enforcement of the provisions of the act. The bill would require court orders for child support to include an obligation to pay fees owed to a private child support collector, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 695.221 of the Code of Civil Procedure*
2 *is amended to read:*
3 695.221. Satisfaction of a money judgment for support shall
4 be credited as follows:
5 (a) The money shall first be credited against the current
6 month's support.
7 (b) Any remaining money is next to be credited against the
8 accrued interest that remains unsatisfied.
9 (c) Any remaining money shall be credited against the
10 principal amount of the judgment remaining unsatisfied. If the
11 judgment is payable in installments, the remaining money shall be
12 credited against the matured installments in the order in which they
13 matured.
14 (d) In cases enforced pursuant to Part D (commencing with
15 Section 651) of Subchapter 4 of Chapter 7 of Title 42 of the United
16 States Code, if a lump-sum payment is collected from a support
17 obligor who has money judgments for support owing to more than
18 one family, after the implementation of the California Child
19 Support Automation (CCSA) system, all support collected shall be
20 distributed pursuant to guidelines developed by the State
21 Department of Child Support Services.
22 (e) Notwithstanding subdivisions (a), (b), and (c), a collection
23 received as a result of a federal tax refund offset shall first be
24 credited against the interest and then the principal amount of past
25 due support that has been assigned to the state pursuant to Section
26 11477 of the Welfare and Institutions Code and federal law prior
27 to the interest and then principal amount of any other past due
28 support remaining unsatisfied.
29 (f) If federal law does not permit states to adopt the same order
30 of distribution for the pre- and post-assistance child support
31 arrears effective October 1, 1998, the following shall be the order

1 of distribution of child support collections through September 30,
2 2000, except for federal tax refund offset collections, for child
3 support received for families and children who are former
4 recipients of Aid to Families with Dependent Children (AFDC)
5 program benefits or former recipients of Temporary Assistance for
6 Needy Families (TANF) program benefits:

7 (1) The money shall first be credited against the current
8 month's support.

9 (2) Any remaining money shall next be credited against interest
10 that accrued on arrearages owed to the family or children since
11 leaving the AFDC program or the TANF program and then such
12 arrearages.

13 (3) Any remaining money shall next be credited against interest
14 that accrued on arrearages owed during the time the family or
15 children received benefits under the AFDC program or the TANF
16 program and then such arrearages.

17 (4) Any remaining money shall next be credited against interest
18 that accrued on arrearages owed to the family or children prior to
19 receiving benefits from the AFDC program or the TANF program
20 and then such arrearages.

21 (g) If federal law does permit states to adopt the same order of
22 distribution for the pre- and post-assistance child support arrears
23 effective October 1, 1998, or effective October 1, 2000, whichever
24 comes first, the following shall be the order of distribution of child
25 support collections, except for federal tax refund offset
26 collections, for child support received for families and children
27 who are former recipients of AFDC program benefits or former
28 recipients of TANF program benefits:

29 (1) The money shall first be credited against the current
30 month's support.

31 (2) Any remaining money shall next be credited against interest
32 that accrued on arrearages owed to the family or children since
33 leaving the AFDC program or the TANF program and then such
34 arrearages.

35 (3) Any remaining money shall next be credited against interest
36 that accrued on arrearages owed to the family or children prior to
37 receiving benefits from the AFDC program or the TANF program
38 and then such arrearages.

39 (4) Any remaining money shall next be credited against interest
40 that accrued on arrearages owed during the time the family or

1 children received benefits under the AFDC program or the TANF
2 program and then such arrearages.

3 *(h) This section does not apply to child support collected by a*
4 *private child support collector pursuant to Chapter 9*
5 *(commencing with Section 5610) of Part 5 of Division 9 of the*
6 *Family Code.*

7 SEC. 2. Chapter 9 (commencing with Section 5610) is added
8 to Part 5 of Division 9 of the Family Code, to read:

9
10 CHAPTER 9. PRIVATE CHILD SUPPORT COLLECTORS

11
12 5610. This chapter shall be known and may be cited as the
13 Private Child Support Collection Act.

14 5611. For purposes of this chapter, a “private child support
15 collector” means any individual, corporation, *attorney*, nonprofit
16 organization, or other nongovernmental entity that engages in the
17 business of collecting child support. *“Private child support*
18 *collector” does not include attorneys of record who address issues*
19 *of ongoing child support or child support arrearages in the course*
20 *of an action to establish parentage or a child support obligation,*
21 *a proceeding under Division 10 (commencing with Section 6200),*
22 *a proceeding for dissolution of marriage, legal separation, or*
23 *nullity of marriage, or in post judgment or modification*
24 *proceedings related to any of those actions.*

25 5612. A private child support collector is subject to this
26 chapter if the private child support collector contracts with a child
27 support obligee who is a resident of this state to collect child
28 support payments from the obligor for that obligee.

29 ~~5613. (a) A private child support collector may collect a fee~~
30 ~~of no more than 15 percent on any payment collected on behalf of~~
31 ~~the obligee. However, the fee assessed on any lump-sum payment~~
32 ~~that satisfies the obligation in full shall be no more than 20 percent.~~

33 ~~(b) In any case in which monthly payments have been received~~
34 ~~for six months, a private child support collector may not collect a~~
35 ~~fee of more than 10 percent on any future payment. However, if~~
36 ~~the obligor fails to make a payment, thereby causing the private~~
37 ~~child support collector to incur additional time, effort, or expense~~
38 ~~to locate the obligor and reestablish payments, that fee may~~
39 ~~increase to 15 percent for each of the next three consecutive~~
40 ~~months. If the obligor makes timely payments for three~~

1 consecutive months after missing a payment, the private child
2 support collector may not collect a fee of more than 10 percent on
3 any future payment.

4 (e) A private child support collector may not collect any fee for
5 child support collections attributable to the action of the obligee
6 or any public or governmental entity. The private child support
7 collector shall provide documentation to the obligee
8 demonstrating that the payment resulted from the actions of the
9 private collector.

10 5614. A private child support collector shall disclose to the
11 obligee via secure Internet or telephone access, or, at the obligee's
12 request, by mail, no less than monthly, all of the following:

13 (a) The source or form of each payment received from the
14 obligor.

15 (b) The amount and percentage of each payment that is
16 deducted by the private child support collector as a fee.

17 (c) The balance remaining to be paid on the total child support
18 obligation.

19 (d) The estimated date, at the current rate of payment, including
20 any fee payable to the private child support collector, by which the
21 balance will be paid in full.

22 5615. A private child support collector may not require that
23 payments collected by or from any other private or governmental
24 entity be directed to the private collector, rather than the obligee,
25 unless the obligee has completed and submitted a written request
26 to the private or governmental entity for a change of address for
27 the disbursement of support payments. The written request shall
28 include an acknowledgment by the obligee of the obligee's right
29 to rescind the request or to change the address at any time.

30 5616. If a private child support collector locates an obligor
31 and reaches a payment agreement with an obligor, the obligee has
32 the right to review the agreement. The payment agreement
33 provided to the obligee shall describe in detail the length of time
34 it will take to pay off the balance. The obligee may refuse to accept
35 the agreement and cancel the contract under the provisions of
36 Section 5617.

37 5617. The obligee may cancel the contract under the
38 following circumstances:

39 (a) At any time during the first 60 days. Compensation to the
40 private child support collector shall equal the actual costs of

~~collecting child support payments, but may not exceed five hundred dollars (\$500).~~

~~(b) After reviewing the payment plan negotiated between the private child support collector and the obligor. Compensation to the private child support collector shall equal the actual costs of collecting child support payments, but may not exceed one thousand dollars (\$1,000).~~

~~(c) After any 90-day period during which collections have been one third or less than the amount specified for that period in the payment agreement.~~

~~5618. Each obligee has the right to review all files and documents, both paper and electronic, in the possession of the private child support collector regarding that obligee's case. The private child support collector may charge a fee to cover the actual and reasonable costs of duplicating the case files. Information about the obligor contained in the case files shall be kept confidential, to the extent required by law.~~

~~5619. A private child support collector shall include the following disclosures in the contract provided to potential clients:~~

~~(a) That the Department of Child Support Services and local child support agencies provide free services to those seeking child support enforcement.~~

~~(b) All fees, including any application or administrative fees.~~

~~(c) That the assignment of a child support obligation to a nongovernmental entity may result in the debt being dischargeable if the child support obligor files for bankruptcy.~~

~~5620. (a) Each private child support collector shall make the following disclosure in any advertisement, commercial, or other solicitation: "(Name of debt collector) is a private for-profit debt collector and not a governmental entity. (Name of debt collector) charges a fee for its services."~~

~~(b) The disclosure required by subdivision (a) shall be printed in every written advertisement and solicitation as follows:~~

~~(1) In a type size that is at least equal to one-quarter of the type size used to advertise the collection service. In no event shall the disclosure be printed in less than 8-point type.~~

~~(2) In the same style and color of type used to advertise the collection service.~~

~~(3) Immediately above, below, or beside the advertised fee without any intervening words, pictures, marks, or symbols.~~

~~(4) In the same language as the advertisement.~~

~~(c) The disclosure required by subdivision (a) shall be broadcast in every radio or television advertisement and solicitation. For broadcast advertisements of 30 seconds or less, the disclosure may be shortened, as follows:~~

~~“(Name of debt collector) is not a government entity, and charges a fee for its services.”~~

~~(d) This section shall apply to an advertisement, commercial, or solicitation in English or any other language.~~

5613. A private child support collector may not enter into a contract with an obligee to collect child support if any of the following exist:

(a) The child support has been assigned to the county pursuant to Section 11477 of the Welfare and Institutions Code or is owed to the county for any reason.

(b) The child support to be collected is for current support.

(c) The obligor has made payments on the support obligation during the 24-month period prior to the execution by the obligee of the contract with the private child support collector.

5614. (a) A private child support collector may collect a fee of not more than 25 percent on any payment collected on behalf of the obligee, except as otherwise provided by this section. This fee may be retained from the amounts collected by the private child support collector under this chapter and the contract. A private child support collector may assess additional charges for the costs of collecting child support, attorney’s fees, court costs, filing fees, recording fees, and any other charges or compensation, only from the obligor, and only if expressly permitted by the child support order and to the extent permitted by other law.

(b) The fee authorized by subdivision (a) may not include a percentage of any portion of the following:

(1) Support collected after expiration of the contract or after the obligee cancels the contract pursuant to this contract, except as provided in subdivision (d) of Section 5619.

(2) Support collections owed to a county due to the payment of public assistance or attributable to the actions of a governmental child support agency or its contractor.

(3) Current support.

1 (4) *Proceeds from a withholding order for support that has*
2 *been in place with the same employer for six months and has*
3 *yielded six months' of withholding order payments.*

4 (d) *Funds that are collected, and fees that are deducted, by a*
5 *private child support collector may not be credited against current*
6 *support. If the support order makes the obligor responsible for*
7 *payment of collection fees and costs, fees that are deducted by a*
8 *private child support collector may not be credited against support*
9 *arrearages or interest owing on arrearages or any other money*
10 *owed by the obligor to the obligee.*

11 5615. *If an obligee contracts with a private child support*
12 *collector to collect child support, the private child support*
13 *collector shall provide the following notices:*

14 (a) *Prior to commencing collection activities, written notice to*
15 *the local child support agency that is enforcing the obligee's*
16 *support order, if known, or the local child support agency for the*
17 *county in which the obligee resides as of the time the contract is*
18 *signed by the obligee. The notice shall identify the obligee and the*
19 *amount of the arrearage.*

20 (b) *If the order for child support requires payment of collection*
21 *fees and costs by the obligor, then not later than five days after the*
22 *date that the private child support collector makes its first*
23 *collection, written notice shall be provided to the obligor of (1) the*
24 *amount of arrearages subject to collection, (2) the amount of the*
25 *collection that shall be applied to the arrearage, and (3) the*
26 *amount of the collection that shall be applied to the fees and costs*
27 *of collection. The notice shall provide that the obligor has 30 days*
28 *to file a motion to contest the amount of collection fees and costs*
29 *assessed against the obligor as well as the amount of the*
30 *arrearages subject to collection.*

31 (c) *The notices required by this section shall be served in*
32 *compliance with Section 1013 of the Code of Civil Procedure.*

33 5616. *A private child support collector shall credit support*
34 *payments collected pursuant to this chapter to the child support*
35 *arrearage described in the contract and may retain the fees*
36 *authorized by this chapter, as provided for in the contract.*

37 5617. (a) *A private child support collector shall disclose to*
38 *the obligee by mail or, at the obligee's request, via secure Internet*
39 *or telephone access, on a monthly basis, all of the following:*

1 (1) *The source and form of each payment received from the*
2 *obligor, including the date of collection, as defined by regulations*
3 *of the Department of Child Support Services, and the date of*
4 *receipt by the private child support collector.*

5 (2) *The amount of each support payment received from the*
6 *obligor and, if the support order does not require payment of*
7 *collection fees and costs by the obligor, the amount and percentage*
8 *of each payment that was deducted by the private child support*
9 *collector as a fee.*

10 (3) *The balance remaining to be collected by the private child*
11 *support collector under the contract.*

12 (b) *The private child support collector shall provide a copy of*
13 *the statement described in subdivision (a) on a monthly basis to the*
14 *local child support agency that is enforcing the obligee's support*
15 *order, if known, or the local child support agency for the county in*
16 *which the obligee resides as of the time the contract is signed by*
17 *the obligee.*

18 (c) *The information required by this section shall be provided*
19 *by the 10th day of the calendar month following the period to*
20 *which the information relates.*

21 5618. *A local child support agency shall send all child*
22 *support payments that the local child support agency collects for*
23 *the obligee directly to the obligee and may not direct payments for*
24 *the obligee to a private child support collector.*

25 5619. (a) *An obligee shall have no further obligation*
26 *pursuant to the contract, and no person shall have any obligation*
27 *to pay private child support collector fees beyond those already*
28 *collected, after the contract expires pursuant to subdivision (b) or*
29 *is cancelled by the obligee pursuant to subdivision (c), except as*
30 *provided in subdivision (d).*

31 (b) *A private child support collection contract shall expire*
32 *without action by any party on the earlier of the following:*

33 (1) *Six months after execution of the contract if no payments*
34 *have been collected by the private child support collector.*

35 (2) *The date on which all child support that the private child*
36 *support collector has contracted to collect has been paid.*

37 (c) (1) *The obligee may cancel the contract under the*
38 *following circumstances:*

39 (A) *At any time before midnight of the 10th business day after*
40 *the contract is executed.*

1 (B) At the end of any six-month period in which the total
2 amount collected by the private child support collector and
3 forwarded to the obligee is less than 10 percent of the total amount
4 of the child support arrearage described in the contract.

5 (C) After any 12-month period in which the total amount
6 collected by the private child support collector is less than 50
7 percent of the amount scheduled to be paid under a payment plan.

8 (D) When the private child support collector commits a
9 material breach of any provision of the contract or material
10 violation of any provision of this chapter with respect to the
11 obligee.

12 (2) A notice of cancellation shall be made in writing, signed
13 and dated by the obligee, and shall be effective when mailed or
14 personally delivered to the private child support collector.

15 (d) Notwithstanding subdivision (a), a private child support
16 collector may charge and collect a fee of not more than 25 percent
17 of a support payment collected within two years after the
18 expiration or cancellation of a contract if the payment is made to
19 discharge, in whole or in part, a lien filed by the private child
20 support collector prior to the expiration or cancellation of the
21 contract.

22 (e) (1) If funds contracted to be collected by the private child
23 support collector become subject to an assignment to the state
24 pursuant to Section 11477 of the Welfare and Institutions Code, or
25 to any other state, the contract shall be suspended to the extent of
26 the amount subject to the assignment or in its entirety if the amount
27 assigned exceeds the amount to be collected under the contract. If
28 the assignment is extinguished, the contract may be reinstated for
29 the remaining balance, if any, of the contract term.

30 (2) A private child support collector who receives notice that
31 child support has been assigned to the state, or any other state,
32 shall upon receipt of the notice, cease any further collection
33 activities and shall pay over to the assignee any monies subject to
34 the assignment, including any fees collected on those monies, that
35 are collected after that notice and that are in the possession or
36 control of the private child support collector.

37 5620. Each obligee has the right to review all files and
38 documents, both paper and electronic, in the possession of the
39 private child support collector regarding that obligee's case that
40 are not required by law to be kept confidential. The obligee shall,

during regular business hours, be provided reasonable access to and copies of the files and records of the private child support collector regarding all monies received, collection attempts made, all liens filed or recorded, all judicial enforcement proceedings, fees retained or paid to the private child support collector, and monies disbursed to the obligee. The private child support collector may not charge a fee for access to the files and records, but may require the obligee to pay up to three cents (\$0.03) per page for the copies prior to their release.

5621. A private child support collector's contract with an obligee shall be in writing. The contract shall be delivered to the obligee in a paper form that the obligee may retain for his or her records. The contract shall include all of the following, in at least 12-point print:

(a) Notice that local child support agencies in California provide free services for those seeking child support enforcement.

(b) A description of collection fees and an explanation of how the fees are calculated.

(c) If applicable, a statement that the assignment of a child support obligation to a nongovernmental entity may result in the obligation being dischargeable if the child support obligor files for bankruptcy.

(d) A conspicuous statement, on the face of the contract, and in close proximity to the space reserved for the signature of the obligee, in a size equal to at least 12-point boldface type, as follows:

"This contract expires automatically under certain circumstances. You may cancel this contract at any time prior to midnight of the 10th business day after the date you sign the contract. You may also cancel this contract under other circumstance that are described in Section 5619 of the Family Code. To cancel this contract, mail or personally deliver a written, signed, and dated notice that states that you are canceling this contract, or words of similar effect. Send or deliver the notice to _____ (name of the private child support collector) at _____ (address of the private child support collector)."

(e) A statement that the private child support collector only collects support arrearages, and not current support.

1 (f) *The following statements, on the first page of the contract:*

2
3 “*This contract calls for us to collect money owed to you, and not*
4 *money owed to the state or county. If your child support is owed*
5 *to the state or county because you are receiving or have received*
6 *program benefits from CalWORKs or Temporary Assistance to*
7 *Needy Families, then we cannot collect that money for you. Do not*
8 *sign this contract unless you are entitled to all of the child support*
9 *to be collected by us in the contract. If you start to receive program*
10 *benefits from CalWORKs or Temporary Assistance to Needy*
11 *Families during this contract, you must tell us.*
12

13 “*I declare that the child support to be collected for me pursuant*
14 *to this contract is not assigned to the state or county as of the time*
15 *I sign this contract. I agree that I will give written notice to the*
16 *private child support collector if I apply for program benefits*
17 *under CalWORKs or Temporary Assistance to Needy Families*
18 *during the term of this contract. _____ (Signature of*
19 *Obligee)*”
20

21 5622. (a) *Each private child support collector shall make the*
22 *following disclosure in any advertisement, commercial, or other*
23 *solicitation:*
24

25 “*(Name of private child support collector) is a private child*
26 *support collector and not a governmental entity. (Name of private*
27 *child support collector) charges a fee for services provided.*”
28

29 (b) *The disclosure required by subdivision (a) shall be printed*
30 *in every written advertisement and solicitation as follows:*

31 (1) *In a type size that is at least equal to one-quarter of the*
32 *largest type size used in the solicitation to advertise the collection*
33 *service. In no event shall the disclosure be printed in less than*
34 *8-point type.*

35 (2) *In the same style and color of type used to advertise the*
36 *collection service.*

37 (3) *Immediately above, below, or beside the advertised fee*
38 *without any intervening words, pictures, marks, or symbols.*

39 (4) *In the same language as the advertisement.*

1 (c) *The disclosure required by subdivision (a) shall be*
2 *broadcast in every radio or television advertisement and*
3 *solicitation. For broadcast advertisement of 30 seconds or less, the*
4 *disclosure may be shortened as follows:*

5
6 “(Name of private child support collector) is not a
7 governmental entity, and charges a fee for its services.”
8

9 (d) *This section shall apply to an advertisement, commercial,*
10 *or solicitation in English or any other language.*

11 5623. (a) *Any waiver of the rights and remedies provided to*
12 *child support obligees or child support obligors by this chapter*
13 *violates public policy and is void.*

14 (b) *A child support obligee is not liable to the obligor or to a*
15 *third party for any violation by a private child support collector of*
16 *the rights of the child support obligor or any third party.*

17 (c) *A private child support collector may not do any of the*
18 *following:*

19 (1) *Enter into a payment agreement with an obligor that*
20 *forgives, in whole or in part, support owed or that compromises the*
21 *amount owed to the obligee without the written consent of the*
22 *obligee to the specific proposed forgiveness or compromise.*
23 *Nothing in this paragraph prevents the private child support*
24 *collector from unilaterally waiving or offering to compromise the*
25 *amount of its fee.*

26 (2) *Require the obligee to cease or refrain from seeking the*
27 *services of a state or local child support enforcement agency.*

28 (3) *Collect or attempt to collect from the obligee any fee if a*
29 *statute or court order requires the obligor to be responsible for a*
30 *private child support collector’s fees. This paragraph does not*
31 *prevent retention of fees authorized by Section 5614, as provided*
32 *by the contract.*

33 (4) *Contract for or seek liquidated damages for breach of*
34 *contract against the obligee.*

35 (5) *Misstate the amount of the fee that may be lawfully paid to*
36 *the private child support collector for the performance of the*
37 *contract or the identity of the person who is obligated to pay that*
38 *fee.*

1 (6) Ask any party, other than the obligor, to pay the support
2 obligation, unless that party is legally responsible for the
3 obligation or is the legal representative of the obligor.

4 (7) Send a communication that simulates legal or judicial
5 process or that gives the appearance of being authorized, issued,
6 or approved by a governmental entity, court, or attorney when it
7 is not.

8 5624. (a) No private child support collector may collect or
9 attempt to collect a child support obligation by means of any
10 conduct that is prohibited to a debt collector collecting a consumer
11 debt under Sections 1788.10 to 1788.16, inclusive, of the Civil
12 Code. This chapter does not modify, alter, or amend the definition
13 of a debt or a debt collector under the Rosenthal Fair Debt
14 Collection Act (Title 1.6C (commencing with Section 1788) of Part
15 4 of Division 3 of the Civil Code).

16 (b) A private child support collector who incorrectly states the
17 amount of the support obligation to be collected is not in violation
18 of this chapter if the private child support collector has not
19 received reasonable notice from either the obligee or from the state
20 or local child support agency, or reasonable proof from the
21 obligor, that payments have been received by the state or local
22 child support enforcement agency.

23 (c) A private child support collector is not in violation of this
24 chapter if it collects any amount after the obligee has obtained
25 program benefits under CalWORKs or Temporary Assistance to
26 Needy Families, if the obligee fails to notify the private child
27 support collector of those benefits pursuant to subdivision (f) of
28 Section 5621 and the private child support collector has not been
29 otherwise notified that the obligee has obtained those benefits.

30 5625. (a) A private child support collector who fails to
31 comply with any provision of this chapter with respect to any
32 person shall be liable for the following:

33 (1) Any actual damages sustained by the person as a result of
34 that failure.

35 (2) In addition to actual damages, a private child support
36 collector who willfully and knowingly violates the provisions of
37 this chapter shall be liable for a civil penalty in a amount
38 determined by the court, which may not be less than one hundred
39 dollars (\$100) nor more than one thousand dollars (\$1,000).

(3) *The prevailing party in any action pursuant to this section shall be entitled to recover the costs of the action. Reasonable attorney's fees, which shall be based on the time necessarily expended to enforce the liability, shall be awarded to a prevailing party, other than a private child support collector, asserting rights under this section. Reasonable attorney's fees may be awarded to a prevailing private child support collector if the court finds that the party bringing the action did not prosecute the action in good faith.*

(b) *The remedies provided in subdivision (a) are cumulative and are in addition to any other procedures, rights, or remedies available under other provisions of law.*

(c) *In an action by an obligor under this chapter, the private child support collector shall have no civil liability under this chapter to the obligor under any circumstance in which a debt collector would not have civil liability under Section 1788.30 of the Civil Code.*

(d) *For purposes of this section, a person includes a local child support agency or any other agency that provides child support services pursuant to Title IV-D of the federal Social Security Act and that is responsible for collecting a support obligation that the private child support collector has also contracted to collect. A local child support agency is not required to bring any action on behalf of a child support obligee or obligor for a violation of this chapter.*

5626. *Any action to enforce the provisions of this chapter may be brought within one year after the occurrence of the violation.*

5627. *If any provision of this chapter, or the application thereof, to any person or circumstance, is held invalid, the remaining provisions of this chapter, or the application of those provision to other persons or circumstances, may not be affected thereby.*

5628. *Every court order for child support issued on or after January 1, 2005, and every support agreement providing for the payment of child support approved by a court on or after January 1, 2005, shall include a separate obligation owed by the support obligor to pay a fee of not more than 25 percent of any amount of past-due child support that is collected by a private child support collector pursuant to a contract complying with the requirements of this chapter. The obligation to pay the fee shall have the force*

1 *and effect of a money judgment in favor of the private child support*
2 *collector and the support obligee, jointly. The obligation to pay the*
3 *fee may be enforced by the private child support collector by any*
4 *means available to the obligee for the enforcement of the child*
5 *support order without any additional action or order by the court,*
6 *however, the fee does not constitute child support.*

